

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In re:

LISA MARIE LITTKE

Bankruptcy Case No.: 10-06472

Soc. Sec. No. xxx-xx-6898

Chapter 7

Mailing Address: 5001 Wheatridge Drive, Fuquay Varina,
27526

Debtor.

**DEBTOR'S RESPONSE TO BANKRUPTCY ADMINISTRATOR'S MOTION TO
DISMISS**

NOW COMES the Debtor, Lisa Marie Littke, by and through Counsel, answering the Bankruptcy Administrator's Motion to Dismiss as follows:

1. Paragraphs 1-6 are admitted.
2. Paragraph 7 is denied. The Debtor's Schedule I includes all of the debtor's expected prospective income. As noted on Schedule I, the debtor's business income has been declining since the beginning of the year. While it is admitted that the Debtor has used the business bank account for household expenses, those household expense items were not taken as deductions from the business profit and loss. Accordingly, all household expenses, whether derived from the business bank account or the Debtor's personal bank account, are reflected in the prospective Schedule I income. Similarly, the Debtor's CMI, as reflected in the amended schedule B22A, includes all income received by the Debtor during the CMI period, including all household expenses paid from the Debtor's business bank account.
3. Paragraph 8 is denied. Due to a continuing decline in the Debtor's business environment, the debtor does not have the ability to pay her debts.

WHEREFORE, the Defendant prays the Court as follows:

1. That the Motion to Dismiss be denied
2. That a hearing be set in this matter
3. For such and further relief as the Court may deem just and proper.

Dated: 11/15/2010

The Law Offices of John T. Orcutt

/s John T. Orcutt

John T. Orcutt
Attorney for the Debtor
Bar # 10212
6616 Six Forks Road
Raleigh, NC 27615
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CERTIFICATE OF SERVICE

I, Koury L. Hicks, certify that service of the foregoing Response to Motion to Dismiss to, was made on 11/15/2010 by automatic electronic noticing upon:

Marjorie K. Lynch
Bankruptcy Administrator

Richard D. Sparkman
Chapter 7 Trustee

and by regular U.S. mail, upon the Debtor at the following address:

5001 Wheatridge Drive,
Fuquay-Varina NC 27526

/s Koury L. Hicks

Koury L. Hicks